

1



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,599	01/22/2002	Rudi Jungklaus	A-3257	7136

7590 01/02 2004

LERNER AND GREENBERG, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480

EXAMINER

HINZE, LEO T

ART UNIT PAPER NUMBER

2854

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,599

Applicant(s)

JUNGHANS ET AL.

Examiner

Leo T. Hinze

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Art Unit: 2854

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hummel et al., US 5,823,109 in view of MacPhee, US 5,054,393.

Hummel teaches an offset printing device for a rotary machine printing machines, including:

- an inking unit (5, Fig. 1) for a printing machine, which is assigned to a printing form (2, Fig. 1);

Art Unit: 2854

- a first distributor roller (22, Fig. 1) and a second distributor roller (20, Fig. 1), said first distributor roller being in rolling contact simultaneously with two ink applicator rollers (10, 12, Fig. 1), and being disposed more closely to the printing form than said second distributor roller, said first distributor roller rotating more slowly than said second distributor roller (col. 2, line 33) (claims 1 and 5);
- wherein said second distributor roller (20, Fig. 1) is disposed more closely to an ink duct (8, Fig. 1) than is said first distributor roller (22, Fig. 1) (claim 4);
- a printing machine (Fig. 1) having a printing form (2, Fig. 1) and an inking unit (5, Fig. 1) (claim 5);
- “inking rollers... additionally driven into axially oscillate in an appropriate manner generally known in the art” (col. 2, lines 32-34) by “an oscillating drive of the known type” (col. 4, lines 35-36);
- the ink distributor rollers closer to the plate cylinder being driven slower than the distributor rollers farther from the plate cylinder (col. 3, lines 30-34 and lines 53-54).

Hummel does not teach:

- said first distributor roller axially oscillating more slowly than said second distributor roller (claims 1 and 5);
- wherein said second distributor roller is axially oscillatable twice as quickly as said first distributor roller (claim 2);
- wherein said second distributor roller is axially oscillatable three times as quickly as said first distributor roller (claim 3);

Art Unit: 2854

- a gear mechanism for axially oscillating said first distributor roller more slowly than said second distributor roller (claim 6 and 7).

MacPhee teaches an internal worm drive and oscillating roller assembly for use in inking systems for printing presses, which uses a gear mechanism (14, 16, Fig. 1) to axially oscillate a roller assembly (24, Fig. 1) at a speed proportional to the rotational speed of the roller shell (44, Fig. 4A), and is particularly suited for inking systems in lithographic presses (col. 2, lines 37-38).

Regarding claims 1 and 4-7, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Hummel to use the internal worm gear axial oscillating mechanism of MacPhee, because Hummel teaches that any oscillating mechanism known in the art can be used to axially oscillate the inking rollers, and MacPhee teaches a well-known oscillating mechanism. The ink distribution rollers of Hummel rotate at different speeds with specific ratios, and by using the oscillating mechanism of MacPhee, which axially oscillates the roller at a speed proportional to the rotational speed of the roller, the relationship between axial oscillating speeds as claimed is met.

Regarding claims 2 and 3, the combination of Hummel and MacPhee discloses all that is claimed as discussed above. Further regarding claims 2 and 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to additionally modify Hummel to obtain a ratio between axially oscillation frequencies of 1:2 and 1:3, because Hummel teaches that the ratio between the speeds of the rollers is important, and one having ordinary skill in the art could easily obtain the optimum speed ratios in the course of routine experimentation.

Art Unit: 2854

Response to Arguments

4. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.
5. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

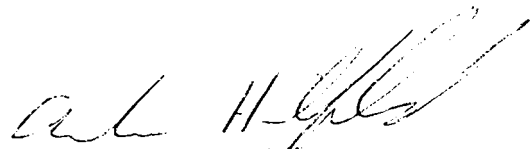
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.

Leo T. Hinze
Patent Examiner
AU 2854
18 December, 2003


ANDREW HIRSHFELD
SUPERVISOR, PATENT EXAMINERS
TECHNICAL FIELD